

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
)
v.) No. 2:16-CR-075
)
JOEY EDWARD HOLMES)

MEMORANDUM AND ORDER

This case is set for trial on October 18, 2016. Now before the court is the defendant's first motion to continue [doc. 10]. The defendant points out that he is also charged in a related criminal case pending before this court, Number 2:16-CR-045. That case has not been set for trial because one codefendant's competency evaluation has not yet been completed. The present defendant seeks an unspecified continuance of trial so that he and the prosecution can continue working toward "a single, combined plea" in his two pending cases. According to the motion, the prosecuting attorney is in agreement with the defendant's request.

The motion is well-taken and will be granted. The requested delay relates to "trial with respect to other charges against the defendant" and issues regarding a co-defendant's competency. 18 U.S.C. § 3161(h)(1)(B), (6). Additionally, the court finds that the ends of justice served by granting the motion outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The court further finds that the failure to grant the motion would deny the parties reasonable time necessary for effective preparation, should their plea negotiations be unsuccessful. 18

U.S.C. § 3161(h)(7)(B)(iv). The motion requires a delay in the proceedings. Therefore, all the time from the filing of the motion to the new trial date is excludable as provided by the Speedy Trial Act.

The defendant's motion [doc. 10] is **GRANTED**. This criminal case is **CONTINUED** from October 18, 2016, to **Tuesday, December 13, 2016, at 9:00 a.m.** in Greeneville. The new plea cutoff date is November 22, 2016.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge